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**Critical Literature Review
(ANTA602)**

**Analysis of whether the Sea Shepherds
are making a significant contribution to saving their
clients of various animals, focusing on whales**

Jacinta McKenzie
Student ID: 26791284

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Abstract (ca. 207 words):

The controversial tactics which the Sea Shepherd (SS) use to make their statement towards anti-whaling and dolphin harvesting has taken on a worldwide interest. Focusing on the topics of political and legal issues, ethical, cultural, economic and environment issues, this literature review will examine the tactics used in their activist approach towards the Japanese, and how the Japanese have responded. Morikawa suggests that they are making an effective contribution towards saving the SS clients through the Japanese only catching 1/3 of their quota for the 2011/2012 whaling season, due to extreme activism by the SS causing disruption to the season. Hirata, on the other hand, suggests that domestic NGOs have proved to be ineffective in influencing Japanese whaling policy (one of main drivers to the continuation of whaling) through extreme actions, such as those taken by the SS, and Kawashima goes one step further, stating the SS is a protest business for profit. Presenting the argument of the real reason behind the extreme eco-terrorism by the SS, Vidal and Hirata have shown their concerns towards misunderstandings between and the staunch nature of both the Japanese whalers and the SS groups. Discovering the real drive behind the two organisations, may help to solve this intensifying 'Whale War.'

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LITERATURE REVIEW

Jacinta McKenzie

Student Number: 26791284

University of Canterbury
Gateway Antarctica
ANTA 602
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*Image Source: Guardian online, United Kingdom
The SS boat on the right ramming into the Japanese Research Boat
Retrieved on 6 December 2012*

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Abbreviations

ATS	Antarctic Treaty System
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
ICJ	International Court of Justice
IWC	International Whaling Commission
NGO	Non-Government Organisation
SS	Sea Shepherds
SSCS	Sea Shepherd Conservation Society

1. Introduction

The controversial tactics which the SS use to make their statement towards anti-whaling and dolphin harvesting has taken on a worldwide interest. This literature review will focus on the tactics used in their activist approach towards the Japanese, and how the Japanese have responded, using both Japanese and English journals, newspapers, books, media releases and theses.

Western media, such as Simons's article in the Guardian Newspaper, would say the SS are making a significant contribution towards saving their clients, the whales and dolphins. "Exactly a year ago, the dedicated opposition tactics of the anti-whaling SS vessel managed to halt the Japanese whalers from their seasonal Antarctica whale hunt". (Simon 2012) Many Japanese authors take the other side, such as Hirata, who suggests that, domestic NGO's have proved to be ineffective in influencing Japanese whaling policy through extreme actions, such as those taken by the SS. This literature review will discuss the reason the aim of the SS '*to make a significant contribution to saving their clients of various animals, focusing on whales*', is becoming a point of misunderstanding between the Japanese and the SS.

2 Background

a) Origins of the Sea Shepherds

The SSCS, known as the SS, is an international non-profit organisation working to defend and protect their clients; whales, sharks dolphins, seals, turtles, sea birds, and fish. The SSCS is based in the United States, with support from all over the world. (Sea Shepherd website) "The crew who take part in the anti-whaling campaigns are made up of mostly volunteers. Half of them are from Australia and New Zealand, and those from Europe, Africa

and America are few. In the past years, Japanese people have been on board as translators.” (Masaaki, 2010) Originally Paul Watson was one of the founding members of Greenpeace, but was dismissed from that organisation’s Board in 1977 after a difference of opinion on tactics and strategy. (Bondaroff 2011) (Bland 2008) As a result, Paul Watson established his own NGO, known as the SS, in 1977. Today the SS, with their controversial tactics, epitomise the name of eco-terrorist through the way in which their protests are carried out. Eagan analyses how eco-terrorists are born, and makes reference to Paul Watson’s poor upbringing of being “frequently beaten, as well as his five younger brothers and sisters - contributing to his troubled personal life”. (Eagan 1996) “The demonstrated pattern of failure, both educationally and vocationally, leading to difficulties in life and the need for an outside enemy to blame”. (Jager 1990) Watson saw his niche in the Japanese anti-whaling issues. To date he has covered campaigns from low key activism against sealing, to aggressive campaigns of whaling against the Japanese.

b) History of Japanese Whaling

Over the last 26 years, the action of Japanese whaling has come under intense scrutiny by the international community, posing questions as to the real aim of Japan’s whaling. History reveals that a great portion of Japan’s people “have obtained their food, oil, and other materials from whales. The early Japanese viewed whales as deities of the sea, as well as being useful for corralling fish. Many whaling villages built whale shrines, or *Kujira Shrines* (whale temples), to worship the whales they hunted as gods”, (Yoshioka 2011) and to praise them for providing resources necessary for their survival. Whaling was a large factor in Japanese survival and dates back well before the 17th century. This era brought with it the development of hunting whales in a group. Then the Meiji Era, from 1868 -1912, saw the

introduction of power-driven vessels with guns, designed after the Norwegian style of whaling for commercial purposes. The commercial moratorium banning whaling was imposed in 1986. "Following the moratorium, Japan continued to practise whaling, claiming it was for scientific research, a legitimate purpose according to the IWC". (IWC) (Unknown 2009) Between 2005 and 2006, Japanese killed 2,113 whales in the name of science, compared to the years 2011 and 2012 when 540 whales were killed. Japan's whaling industry states "we had no choice to end the season to ensure the safety of lives and assets and our ships (caused by the SS). We will examine whether we will resume whaling next year". (McCurry 2011) Through the gradual intensifying activism of Paul Watson and his Sea Shepherds, they claim to be making a significant contribution to saving thier clients the whales, the core outcome the SS were after.

3 Defining and Clarifying the Problem

The issues surrounding the effectiveness of the SS activism is becoming a highly contested topic, as the notion of eco-terrorism becomes a new form of anti-whaling and other environmental activism. Authors, such as Eagan and Hoek, as well as articles in the Japanese Yomiuri Newspaper, regard the Sea Shepherds as eco-terrorists through their intense actions, such as ramming whaling boats and throwing chemicals on board Japanese boats. On the other hand, Simon as well as many others, including Paul Watson himself, are full of praise for the SS activism as they see it "making a difference towards the discontinuation of Japanese whaling" (Simon 2012).

Both Simon and Paul Watson claim this activism of eco-terrorism was provoked with the continuation of Japanese whaling in the Southern Ocean and dolphin harvesting in set seasons in Taiji Town of Wakayama. The SS feel that there is nothing being done about this and that it is their responsibility to bring these issues to light, "the problem with international

laws is that governments are not enforcing the laws, so we have to". (Watson 2012) This literature review will analyse authors' ideas towards the right of Japan to be whaling and dolphin harvesting, examining the ethical, cultural, economic and environmental issues, as well as political and legal issues. These same six issues can be raised in regards to the legitimacy of how the SS carry out this activism and the danger to people and property it is affecting.

The key issue regarding the SS activism is firstly the responsibility of the SS to carry out their goal. "In order to defend and protect the whales, we are aggressive, yet non-violent, and operate within the guidelines of the U.N. World Charter for Nature". (Watson 2012) This method of protection is highly controversial, as shown by the Safety and Sea lawsuit filed by The Institute of Cetacean Research / Kyodo Senpaku Kaisha against the SSCS and Paul Watson on the grounds that the SSCS at sea "that could cause injuries to the crews and damage to vessels". (The Institute of Cetacean Research / Kyodo Senpaku Kaisha 2011)

a) Political and Legal Issues

Today Japanese whaling has been confined to the Antarctica waters, yet the dedicated Antarctic Treaty System regime has no responsibility for these actions. This issue falls under the IWC, which states that whaling can be carried out for scientific purpose only". (IWC website) The IWC works with the body of CCAMLR, acting as a separate entity from the ATS, and states 'it is responsible for the conservation of Antarctic marine life, practising an ecosystem-based management approach that does not exclude harvesting, as long as it is carried out in a sustainable manner and takes into account the effects of fishing on other components of the ecosystem.' (CCAMLR website) Note that it does not exclude harvesting if abiding by the ATS, stating that "Antarctica shall be used for peaceful purposes and

scientific investigation only” (Antarctic Treaty System Clause 1 & 2 1959) under the IWC, Japan is claiming whaling as a legitimate action.

However, Australia in particular feels that Japan is in breach of this and filed a report accusing Japan of alleged breaching of international obligations concerning the IWC, stating in subsection (A) that “the obligation under paragraph 10(e) of the schedule to the IWC to observe in good faith the zero catch limit in relation to the killing of whales for commercial use”. (ICJ 2010) The Australian’s ICJ case against Japan is at pains to avoid, ‘Antarctic Connections’ through claimants’ rights or breaches of ATS instrument, and argues solely in breach of IWC duties. (Hemmings 2012) With legitimacy under the IWC, Japan has suffered greatly under these laws as they claim that their whaling is for scientific purposes.

Conversely, the anti-whaling community, comprising of the SS along with Hoek, bluntly reveal that “Japan engages in their scientific whaling to reap the benefits of processing and selling the whale meat rather than for *actual* scientific research”. (Hoek 2010)

On the contrary, “it is as if whaling was never banned, merely disguised in the form of research.” Simon states. (Simon 2012) Examining the whaling situation from the Japanese perspective, Morikawa reveals that the combination of an ‘iron triangle of elite elements, (1) bureaucracy of the Japanese fishing industries, (2) political circles, and (3) the Japanese Diet members affiliates with the finishing industry, leads to the continuation of whaling”.

(Morikawa 2009) However, thorough analysis of the right of the SS to enforce international conservation law in neutral waters by eco-terrorism methods, is also necessary. Not only Japan, but other pro-whaling countries, have strongly denounced the actions of the SS, labelling its coercive techniques ‘acts of piracy’ (unknown 2009) and eco-terrorism under America’s UNCLOS. This led to a lawsuit filed under the grounds of legal science activity by Antarctic JAPRPA 2, conducted under special permits granted by the Government of

Japan under Article 8 of the International Convention for the Regulation of Whaling. (The Institute of Cetacean Research / Kyodo Senpaku 2011) “As a result domestic NGOs have proved to be ineffective in influencing Japanese whaling policy”. (Hirata 2005)

b) Ethical Issues

The main ethical issues surrounding the SS activist methods, are the extent that Paul Watson and his crew will go to in order to save their clients and put human lives at danger. “Then in his own boat the SS and Watson rammed the private whaler Sierra of Portugal” (Rogers1982). As stated in the lawsuit against this type of action the Japanese have

continuously witnessed, The Institute of Cetacean Research/ Kyodo Senpaku Kaisha states

“seeking an injunctive relief from violent behavior it believed to threaten the safety and lives of its researchers and crews. This followed several years of increasingly dangerous physical attacks on the High Seas in which SS attempted to sabotage research activity by ramming vessels, dragging ropes to damage propellers and throwing and firing glass projectiles from close quarters”. (The Institute of Cetacean Research / Kyodo Senpaku

Kaisha)

Japan see themselves within the political and legal realms of whaling in the Southern Ocean and asks why they should be susceptible to this type of eco-terrorism.

However, from an ethical perspective “Australian legal experts said the SSCS had crossed the line from activism to piracy.” (Peace 2010) Holding signs stating that “the dolphin meat is plagued with toxins”, (Yomiuri Newspaper 2012) meaning that your whaling activity is toxic as well as yourselves, reveals a lack of will to understand Japanese culture and, on the contrary, achieve their one aim of aggressive behaviour towards the Japanese. Yoshioka concludes also, that all parties involved in the Taiji dolphin harvest, including the

anti-whaling activists SS, do not have any desire to understand each other's point of view.

“Watson says we are trying to present the truth about the value of these animals (dolphins) that nobody believes yet. Just like everyone thought Newton was stupid for saying the world was round, we are trying to reveal the truth about the dolphins”. (Watson 2011)

c) Cultural Issues

Whaling as a culture has a historical and emotional connection to the Japanese. This reason is one of the forefront claims for this continued confrontation by the two groups. The origin of the SS activism stems from the misunderstanding of how embedded the ‘historical culture of whales sustaining life during the Meiji period is in Japan and how it is not easy to abandon’, (Yoshioka 2011) even if an individual thinks it is wrong to whale today. “The Japanese Government permits about 20,000 dolphins to be hunted along Japan's coast every year.” (The Cove 2009) Taiji town on Hatagira inlet, Western Japan. is entitled to dolphin harvesting during the season as it has been a tradition of theirs every summer. Japan's view of whales can be drawn together through animal movement groups seeing animals on the same level as humans or, going one step further, as totemism, a special symbol of a tribe or family.” The activists also appeared to elevate whales to near human status”. (Emel.J & Wolch. J 1998) Australians have a shallower history of culture of viewing whales as their friends, due to the significant sentimental passage of the whales along their own waters referred to as ‘our whales’(Peace, 2010), indicating ownership of them.

Feelings of western authors state, however, “we should make it clear therefor, that the feeling that Japanese whaling culture is in danger, is not only ours, but that of the whalers as well” (Kalland.A & Moeran. B 1992), due to less demand for whales, as dietary needs have changed from whale to other forms of meat. The SS are ultimately trying to achieve their

goal, however the outcome is lost due to the ethical issues around human safety, through their extreme type of activity. Honda presents the argument that “even though Kate and David (non SS anti-whaling activists) were arrested and tried in a Japanese court for their activities, the heart of the issue ‘why Japan kills dolphins’ was not even breached. This leads to Hamaguchi’s claim that “SS use dirty tactics from analysing the account of the savage rebellion of the Seas and lie about their activities to get more promotion and therefore funding. Actually there were two ropes but no dolphins were freed, as only one rope had been cut. However, on the SS homepage is said they had freed 15 dolphins each worth \$533 and are collecting funds now.’ (Hamaguchi n.d) This raises the topic of the SS using dirty tactics to fund their aggressive behaviour, endangering people, while focusing on their goal of saving the animals.

d) Economic and Environmental Issues

Economic and environmental impacts of anti-whaling campaigns, such as those carried out by the SS, can take on the role of a business situation. Kawashima accuses the SS of partaking in “the more you protest, the more business money you receive”, (Kawashima 2010) whether the methods of campaigning are harmful or not, the more controversy created, the more money received. Through the Animal Planet channel, the movie ‘Whale Wars’ was released, revealing the Japanese as the bad guys and the SS as trying to ‘save the whales’. Through this movie, the SS came into a lot of money through donations towards their cause. In 2004 alone, they got 200,000 dollars towards their cause, and in 2009 received a huge donation of a million dollars from an American TV host, adding to their mounting total of over 10 million dollars. The SS saw ‘the more they fought with Japan against their whaling, the more money they would receive. (Yoshioka 2011) The controversy over this comes in

many forms, presenting many ethical issues. SS protest boats attacked Japanese whaling ships during the 2010 whaling season, although Paul Watson denies violence. “We are a non-violent NGO. Our aim is to stop or prevent the illegal whaling activity”. (Watson 1982) Contrary to this, Bondaroff boarded a SS boat which caused a nuisance for the Japanese, and stopped them from getting their quota of whales “The harpoon vessel took off, running before the fast boats, which circled it attempting to lob non-toxic cellulose powder (to make the deck slippery). (Bondaroff 2011)

An article in the Japanese Asahi Newspaper suggests the economic loss in whale catchments can be blamed on the SS. At the end of the whaling season Japan had only caught one third of their goal of 900 whales, thanks to “Anti-whaling group SS’s disturbance activity and bad weather influenced us not reaching our quota” (Asahi Newspaper 2012) The other side to this controversial action taken by the SS is as presented in a Guardian article ‘Japan Recalls Whaling fleet from Antarctica’. The reason given by the Japanese Agricultural Minister, Michihiko, is “we had no choice to end the season to ensure the safety of lives and assets and our ships (caused by the SS). We will examine whether we will resume whaling next year”, (McCurry 2011) revealing the core outcome the SS were after.

4 Contradictions and gaps surrounding the previous issues

Through the literature discussed, Vidal and Hirata have shown their concerns towards misunderstandings between and the staunch nature of both the Japanese whaling and the SS groups. This, in turn, has hindered development of the SS’s goal of making a significant contribution to saving their clients of various animals, focusing on whales. Simon would argue ‘in fact the SSCS has dedicated itself to the fight for whale protection by confronting nine illegal whaling vessels through hard resistance tactics, which have succeeded in saving

thousands of whales". (Simon 2012) The question that has to be asked then is, to what degree is success for the SS? Is it having fewer whales being captured every year, or zero? In order to reach a zero goal, to what extent will the SS go to achieve their goal?

Kiwashima's concept of anti-whaling groups, such as Greenpeace and SS, as a protest business, leads to the question of the real reason the SS are taking their activism to the extreme. Is it for financial gain or, as the SS describe, to really benefit the animals? The same could also be said for Hoek's statement revealing that "Japan engages in their scientific whaling to reap the benefits of processing and selling the whale meat rather than for *actual* scientific research". (Hoek 2010) What are the SS really campaigning for, money, recognition or for their actual cause of saving the animals?

5 Conclusion and where to go from here.

In order for the SS to achieve their goal of 'making a significant contribution to saving their clients of various animals, focusing on whales' is to realise the full extent that their campaign is being viewed by Japan and the misconceptions surrounding it. "SS maintained a presence in Antarctica but it reinforced its reputation as the world's most uncompromising environmental enforcement group". (Vidal 2008) In order to fully comprehend the direction of research necessary, and rectify these misconceptions, the more impartial parties, such as Bondaroff, who boarded the SS boat with no pre-conceptions about them, are needed to provide accurate information, regarding the motivation and truth behind the real Sea Shepherds. The two contradictions of Kawashima and Hoek speak right to the heart of the motivation behind the two groups. Discovering the real drive behind the two organisations, may help to solve this intensifying 'Whale War.'

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